WP(C) 5905/2007

BEFORE

HON’BLR MR. JUSTICE B.K. SHARMA.

The matter relates to alleged non-payment of Contractor’s bills as per Annexure-7 to the writ petition amounting to Rs.46,95,690/-,Rs.11,35,470/-, Rs.37,26,575/-, Rs.34,82,754/-, Rs.7,02,740/-, Rs.7,26,830/-, Rs.30,53,357/-, Rs.2,07,125/- and Rs.21,95,706/- respectively which according to the petitioners, these are entitled to for the contract works, the petitioners have carried out with the respondents.

I have heard Mr. M. Agarwalla, leaned counsel for the petitioners and Mr. P. Talukdar, learned Standing Counsel, Water Resource Department.

According to Mr. Agarwalla, the petiioners have carried out the contract works as indicated in the writ petition. Mr. P. Talukdar, learned Standing Counsel, on the other hand, submits that the matter needs examination by the respondents.

In view of the above and as agreed to by the learned counsel for the parties, the writ petition is disposed of with a direction to the respondents to examine the claim of the petitioners and upon such examination, if is found that the petitioners are entitled to the aforesaid amounts of Rs.46,95,690/-,Rs.11,35,470/-, Rs.37,26,575/-, Rs.34,82,754/-, Rs.7,02,740/-, Rs.7,26,830/-, Rs.30,53,357/-, Rs.2,07,125/- and Rs.21,95,706/- for the contract works which the petitioners carried out under the respondents, the same shall be disbursed to the petitioners. The entire exercise shall be carried out within a period of three months form the date of receipt of the certified copy of this order, which the petitioners shall furnish to the respondents along with a copy of the writ petition and its enclosures.

The respondents may also verify as to whether the petitioners executed the works in question at all and if so, as per the specification of the work order and to the satisfaction of the respondents.

The respondents may also examine as to whether the claim made by the petitioners is barred by limitation.